

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CR-162-1-BR

MICHAEL DOUGHTY WILLIAMS,)

Petitioner,)

V.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

This matter is before the court on petitioner’s “motion to reverse §2255 dismissal order (pursuant to Rule 60(b)(4)).” (DE # 166.) The court construes the motion as a second or successive habeas corpus petition under 28 U.S.C. § 2255. See Gonzalez v. Crosby, 545 U.S. 524, 532 (2005). As such, petitioner must first seek authorization from the Fourth Circuit Court of Appeals before this court can consider the motion. See 28 U.S.C. §§ 2244(b), 2255(h). The motion is **DISMISSED WITHOUT PREJUDICE**. The court finds that petitioner has not made “a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), and therefore, a certificate of appealability is **DENIED**.

This 22 December 2017.

Paul Butts

W. Earl Britt
Senior U.S. District Judge